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Business Development

View From Brown Rudnick: Things I Wish They Had Told Me in Law School or Early in My Career



By **KEN WECKSTEIN**

You need aptitude and experience to excel at anything. If instead of having practiced law for 37 years I had played basketball for 37 years, I would have been a very good basketball player—except for that aptitude thing.

Most of the government contracts lawyers and litigators that I meet are intelligent, have aptitude, and, unless they get jaded, also have desire. What newly minted lawyers and businessmen and women (and some not-so-newly minted ones) are missing is the wisdom that comes with experience and having closely observed the good and the bad that we encounter day after day, year after year. So lawyers and business folks, new and old, read the pointers below that could help your business and practice.

1. *Check all time limits and statutes of limitations.* Then check them again. Remember how hard you studied for the bar exam. If you miss a time limit, someone might want to take your license. This is the equivalent of saying that police should not beat suspects.

2. *Determine the elements for all causes of action that you assert and defend.* Nothing will get your case

dismissed faster than not including all required elements for each cause of action in your complaint.

3. *Check the rules for whatever you do each time you do it.* You may think you know what the rule says about interrogatories and you may be right. But rules change. Spend the time to check the current version of the rules.

4. *Read the original source documents.* Others rely on you. I don't care what you say the law is or what others say it is. I want you to show me from the original source document. Over time you will earn my trust.

5. *Ask questions.* If you try to argue a legal point without fully understanding the facts or the objective of the client, the result will not be pretty.

6. *But don't ask questions to which you should know the answer.* Do your homework before you start talking. As for that supervisor who told you that there are no stupid questions, he's wrong.

7. *Know your audience.* Different judges have different experiences, backgrounds and world-views. There's no one size fits all client. All partners are not the same.

8. *Go to court and watch judges and juries.* It's a good education.

9. *Before you send an e-mail, letter or anything with an attachment, read it.* That sounds simple. But along with improvements in technology, I've seen the wrong version of a filing attached to transmittal e-mails. Open the attachment that actually is being sent before you send it.

10. *Read down to the end of an e-mail stream.* By only reading the last response in the stream, you might be missing the point that the sender is making (bury-

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ing). And, when you send your e-mails, unless more is relevant, think about deleting everything except the question and the reply.

11. *Don't rely on auto-correct spelling programs.* I really did mean tortious, not tortuous.

12. *Don't let your client or partners push you around.* You're part of a team, and sometimes you have to save team members from themselves. In sales, the customer may always be right. In law, the client is sometimes wrong, and "he made me do it" isn't a good excuse for a professional.

13. *Surprise.* Law is a profession and a business. If you wait for someone to hand you work, you could be waiting a long time.

14. *Everyone you meet is a potential client and/or a potential referral source.* Relatives? My daughter referred me a large litigation. Former opposing counsel? I have good referral relationships with people who used to be adversaries.

15. *Include detail on your timekeeping entries.* It's a great way to communicate with clients and let them know they're getting value for their money.

16. *Be a good listener.* Learn stuff. Show respect. Have empathy and help people. You'll earn trust and make some great friends.

17. *Did I mention business development?* "I don't know general counsels or CEO's" isn't a good excuse for not trying to develop business. Spoiler alert: the quiet kid that you met in college really could become a business titan who depends on you.

18. *Don't talk with food in your mouth.* There's that business development thing again. Plus, it's nasty.

19. *Be respectful of opposing counsel.* Scorched earth? Judges just love it when opposing counsel try to destroy each other.

20. *When you make a mistake, apologize and correct it.* It's the right thing to do, and it's harder to be mad at someone who admits his or her mistake.

21. *Have a strong moral compass.* If you would be embarrassed to tell your mom, you probably shouldn't be doing it.

So there you have it. Not even one tip per year of practice. I have a lot more observing to do—after I work a little on my jump shot.